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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,954	03/29/2002	Takao Yoshimine	275753US6PCT	5975

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EXAMINER	
PITARO, RYAN F	

ART UNIT	PAPER NUMBER
2174	

NOTIFICATION DATE	DELIVERY MODE
10/20/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/018,954	YOSHIMINE, TAKAO	
	Examiner	Art Unit	
	RYAN F. PITARO	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6 and 9-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-4,6 and 9-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This communication is responsive to the amendment filed 9/15/2008. Claims 1-4 and 6,9-13 are pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4,6,9-13,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamara (“Kamara”, JavuNetwork: Remote Video Production and Storage) in view of Suzuki et al ("Suzuki”, US 2001/0035875) in view of Adams (“Adams”, US 5,495,291).

As per claim 1, Kamara teaches a data-providing apparatus for editing image data in response to a demand transmitted from a data-processing apparatus through the Internet (Column 1 lines 23-28), said data-providing apparatus comprising: first acquisition means for acquiring one or more scenarios, each scenario comprising a plurality of video scenes and each video scene lasting for a predetermined period of time (Column 5 lines 4-10), in response to a demand made by a user of the data-

processing apparatus using a web browser (Column 1 lines 28-31); second acquisition means for acquiring a given number of image data items that will be used in the scenario, in response to a demand made by a user of the data-processing apparatus using the web browser (Figure 1, takes a clip of a surfing movie and represents it as a thumbnail); wherein the second acquisition means acquires the image data items supplied from another data-processing apparatus other than the data providing apparatus (Figure 1, Column 5 lines 4-18, Column 6 lines 1-7, upload); user video-data management means for storing the one or more scenarios and the image data items (Column 5 lines 4-27, servers); receiving means for receiving the image data items transmitted by the user from the data-processing apparatus through the Internet using the web browser (Column 5 lines 4-10); means for selecting the image data items acquired by the second acquisition means and for allocating the prescribed image data items to the video scenes of the scenario acquired by the first acquisition means (Figure 1, Column 5 lines 4-18, drag and drop); and editing means for editing the image data items that are allocated to the scenes of the acquired scenario (Figure 1 , Column 5 lines 4-18). Kamara fails to distinctly point out randomly selecting image data. However, Suzuki teaches randomly allocating the selected image data items [0145] arbitrary selections in a random order. Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Suzuki with the apparatus of Suzuki. Motivation to do so would have been to provide a distinct way of selecting video images to save the user from manually doing so, while keeping a fresh look. Karmara-Suzuki fails to teach randomly allocating video clips. However, Adams teaches

randomly allocating the selected video clips until each video scene of the scenario has been randomly allocated a corresponding one of the video clips (Column 6 lines 8-23). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Adams with the apparatus of Kamara-Suzuki. Motivation to do so would have been to save time by determining the ordering the selected video clips.

As per claim 2, Karmara-Suzuki-Adams further teaches the data-providing apparatus according to claim 1, wherein prescribed special effects are allocated to the prescribed ones of the scenes of the scenario, and the apparatus further comprises effect-applying means for applying the special effects to the image data items allocated to the scenes (Karmara, Figure 1, Column 5 lines 4-18, transitions, sound, titles).

As per claim 3, Karmara-Suzuki-Adams further teaches the data-providing apparatus according to claim 2, further comprising transmission control means for controlling the transmission of the image data generated by applying the special effects to the image data items by the effect-applying means (Karmara, Figure 1, Column 5 lines 4-18, drag and drop, transition effects, add sound, titles).

As per claim 4, Karmara-Suzuki-Adams further teaches the data-providing apparatus according to claim 2, further comprising recording control means for controlling the recording of the image data generated by applying the special effects to

the image data items by the effect-applying means (Kamara, Figure 1, Column 5 lines 4-18).

As per claim 6, Karmara-Suzuki-Adams teaches wherein different pieces of music are allocated to the plurality of scenarios (Karmara, Figure 1, Column 5 lines 4-18, sound).

As per claims 9,10,12 they are of similar scope to claim 1 and are rejected under the same rationale (see rejection above).

As per claim 11, Karmara-Suzuki-Adams teaches the data providing apparatus according to claim1, wherein the editing means is capable of editing the image data items transmitted by the user and received by the receiving means, together with the one or more scenarios and the image data items stored at the user-video data management means (Karmara, Figure 1, Column 5 lines 4-18, filters and transitions).

As per claim 13, it is similar in scope to that of claim 11, and is therefore rejected under similar rationale.

As per claim 16, Karmara-Suzuki-Adams teaches the apparatus further comprising means for allocating each of the one or more scenarios to a corresponding

button displayed in the browser (Suzuki, [0141] layout in accordance with template).

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamara (“Kamara”, JavuNetwork: Remote Video Production and Storage) in view of Suzuki et al ("Suzuki”, US 2001/0035875) in view of Adams (“Adams”, US 5,495,291).

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As per claim 14, Karmara-Suzuki-Adams fails to teach means for lengthening an image data when the data item is allocated to a scene that is longer than the image data item. However, OFFICIAL NOTICE is taken that stretching video to a certain time frame is notoriously well known. Therefore it would have been obvious to an artisan at the time of the invention to combine the current teaching with the apparatus of Karmara-Suzuki-Adams. Motivation to do so would have been to fill the allotted time slot without having to fill the video with unwanted scenes.

As per claim 15, Karmara-Suzuki-Adams teaches randomly selecting image data. However, Karmara-Suzuki-Adams fails to teach selecting a portion of the image data when the scene is shorter than the image data. However, OFFICIAL NOTICE is taken that clipping a video to a certain time frame is notoriously well known. Therefore it would have been obvious to an artisan at the time of the invention to combine the current teaching with the apparatus of Karmara-Suzuki-Adams. Motivation to do so would have been to fit all of the video scenes in the appropriate video when there is only so much time that can be filled.

Response to Arguments

Applicant's arguments with respect to claims 1-4,6,9-1-16 have been considered but are moot in view of the new ground(s) of rejection.

The Offices notes that the factual assertion previously presented under Official notice has not been contested.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN F. PITARO whose telephone number is (571)272-4071. The examiner can normally be reached on 9:00am - 5:30pm Mondays through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. F. P./ /Stephen S. Hong/

Examiner, Art Unit 2174

Supervisory Patent Examiner, Art Unit 2178